

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

**KATHLEEN A. McCARTHY,**

**Plaintiff,**

**Case No. 3:10-cv-319**

**Judge Thomas M. Rose**

**-v-**

**AMERITECH PUBLISHING, INC.,  
et al.,**

**Defendants.**

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**ENTRY AND ORDER ORDERING THE CLERK TO STRIKE THE AFFIDAVIT  
OF KATHLEEN A. MCCARTHY FILED AS EXHIBIT 1 TO MCCARTHY'S  
RESPONSE IN OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY  
JUDGMENT**

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The Court has begun to review the Motions for Summary Judgment pending in this matter. The Affidavit of Kathleen A. McCarthy ("McCarthy") dated June 7, 2012 and filed as Exhibit 1 to McCarthy's Response In Opposition To Defendants' Motion for Summary Judgment (doc. #75) does not meet even minimum legal requirements and is, therefore, ordered struck. McCarthy is given until not later than seventy-two (72) hours following entry of this order to submit, if she wishes, an affidavit that complies with the minimum legal requirements including, but not limited to, Fed. R. Civ. P. 5.2, Fed. R. Civ. P. 56(c)(4) and 28 U.S.C. § 1746. Also, if an affidavit is submitted, affirmations by McCarthy contained therein cannot conflict with McCarthy's deposition testimony.

**DONE and ORDERED** in Dayton, Ohio this Fourth Day of September, 2012.

**s/Thomas M. Rose**

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THOMAS M. ROSE  
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record